

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 28.00: WATER SUPPLY CONTAMINATION CORRECTION PROGRAM

Section

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28.01: Purpose

310 CMR 28.00 establishes the criteria and standards by which the Department of Environmental Quality Engineering administers the program established in St. 1982, c. 286, §§ 18 and 19. St. 1982, c. 286, §§ 18 and 19 authorizes the expenditure of funds by the Department for devising solutions to the contamination of sources of public drinking water.

28.02: Definitions

Aquifer means a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Commissioner means the Commissioner of the Department of Environmental Quality Engineering.

Contamination means the presence of any physical, chemical, biological, or radiological substance or matter in water at a concentration and for a duration or anticipated duration which, in the opinion of the Department, would present a threat to the public health, using existing federal and state standards and guidelines where applicable.

Department means the Department of Environmental Quality Engineering.

Groundwater means subsurface water in the zone of saturation.

Public drinking water supply means an aquifer or surface supply of potable water to 15 or more service connections serving 25 or more people on a year-round basis.

Short-term augmentation is the provision of means to ensure a temporary supply of potable water until contamination of the permanent supply can be corrected or until an adequate new permanent supply can be provided to the affected system, but in no case shall this provision continue beyond one year without reappraisal by the Department and approval by the Commissioner in conformance with applicable provisions of M.G.L. c. 40, § 40, and does not include the cost of the purchased water.

Treatment of water supply means temporary treatment of a public drinking water supply at the source of supply, the source(s) of contamination, and any intermediate location(s) to remove contaminants to a level which restores potability to the supply or to prevent contamination of said supply. This does not include permanent treatment for such contamination.

Water Resources Management Plan means the plan specified in 313 CMR 2.05 and 2.06 by the Massachusetts Water Resources Commission.

28.03: Eligible Projects

Eligible projects are activities which include, but are not limited to:

- (1) Immediate short-term augmentation of contaminated public drinking water supplies,

28.03: continued

- (2) Assessment of the contamination problem by appropriate means, including but not limited to sample collection, chemical analyses, and hydrological (including hydrogeological) investigations,
- (3) Evaluation of alternatives for remedial action, design and devising of solutions to contamination,
- (4) Implementation of appropriate solutions to contamination, including but not limited to temporary treatment of water supply, after determination by the Department that the supply is in fact contaminated or in imminent danger of contamination, and management of the direction of contaminated groundwater flow.

In addition, to be eligible, projects must involve public drinking water supplies; must be within cities, towns, and districts which have or are in the process of adopting an approved Water Resources Management Plan; must be undertaken by entities with the legal authority to carry out the proposed activity; and must be projects for which other funding, public or private, is not readily available.

28.04: Eligible Project Costs

Eligible project costs shall include the actual cost of the project as approved by the Department. All items not approved shall be at the full expense of the proponent of the project. The Department reserves the right to partially fund projects. The cost of purchased water will not be an eligible item.

28.05: Criteria for Evaluating Fundable Projects

In evaluating projects for funding, the Department shall consider:

- (1) need for emergency action,
- (2) the toxicity of the contaminants,
- (3) size of the population served by the public drinking water supply,
- (4) the existence of preliminary hydrological studies which demonstrate that there is in fact a contamination problem which can be addressed by this program,
- (5) demonstrated commitment by the purveyors of the affected supply to correction of the contamination,
- (6) any legal impediments to implementation of the proposed project,
- (7) the existence of a water conservation program in the affected system, and
- (8) availability of other funding, public or private, for the project.

28.06: Contracting for Project Activities

The Department may, at its discretion, contract directly for necessary services and supplies, or contract with the Federal government, cities, towns, districts, and commissions for necessary services and supplies. Such contracts shall be in accordance with all applicable regulations and procedures of the Commonwealth.

REGULATORY AUTHORITY

310 CMR 28.00: St. 1982, c. 286, §§ 18 and 19; c. 21A, § 2(28); and c. 111, §§ 159 and 160.